

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2004/009253

International filing date (day/month/year)
18.08.2004

Priority date (day/month/year)
19.09.2003

International Patent Classification (IPC) or both national classification and IPC
C04B40/00

Applicant

CONSTRUCTION RESEARCH & TECHNOLOGY GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/571728
14 MAR 2005
International application No.
PCT/EP2004/009253

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/009253

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☒ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | 1-19 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 1-19 |
| | No: Claims | |
| Industrial applicability (IA) | Yes: Claims | 1-19 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP-A-1 167 317 (SIKA AG) 2 January 2002

D2: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 22, 9 March 2001
& JP 2001 130935 A (KATEKKUSU:KK; RESCON MAPEI AS; BERUTEKKU
INDUSTRIETECHNIK GMBH), 15 May 2001

2. Document D1, which is considered to represent the most relevant state of the art, discloses (cf. the search report; the references in parentheses applying to this document):

An alkali-free accelerator composition for spraying cementitious mixtures comprising aluminium sulfate and hydrofluoric acid in combination with aluminium hydroxide, a chelat binder and an amine such as an alkanolamine (see paragraph [0045]).

The subject-matter of independent claims 1 and 8 to 11 as well as 17 to 19 differs from D1 insofar, as no lithium salt in form of its hydroxide, carbonate or sulfate is added. The subject-matter of said claims is therefore novel in light of D1 (Article 33(2) PCT).

Although the use of lithium salts such as lithium silicate or lithium aluminate in accelerator compositions is known from D2 (abstract), none of the documents of the prior art suggests the choice of lithium carbonate (see example of the present application) in order to improve the storage stability of the accelerator at low temperatures. The subject-matter of independent claims 1 and 8 to 10 as well as 17 to 19 is therefore considered to involve an inventive step and is further considered to be industrially applicable.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/009253

Re Item VI

Certain documents cited

Certain published documents

| Application No Patent No | Publication date (day/month/year) | Filing date (day/month/year) | Priority date (valid claim) (day/month/year) |
|-----------------------------|--------------------------------------|---------------------------------|---|
| WO03/106375 | 24.12.04 | 22.05.03 | 17.06.02 25.02.03 |

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/009253

Re Item VI

Certain documents cited

Certain published documents

| Application No Patent No | Publication date (day/month/year) | Filing date (day/month/year) | Priority date (<i>valid claim</i>) (day/month/year) |
|-----------------------------|--------------------------------------|---------------------------------|--|
| WO03/106375 | 24.12.04 | 22.05.03 | 17.06.02 25.02.03 |